

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

ANNE BOOKHOUT,

Plaintiff,

Civil Action No. 5:08-CV-1178  
(NAM/GJD)

vs.

VISITING NURSE SERVICE OF ITHACA  
AND TOMPKINS COUNTY, INC.,

Defendant.

APPEARANCES:

OF COUNSEL:

Holmberg, Galbraith Law Firm  
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*Attorney for Plaintiff*

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and  
True, Walsh Law Firm  
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Ithaca , NY 14850  
*Attorneys for Defendant*

Richard A. Lilling, Esq.

Mary J. Schubert, Esq.

**Norman A. Mordue, Chief Judge U.S. District Judge**

JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT

Pursuant to the Report of the Mediator Ross P. Andrews filed on August 11, 2009, the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be

discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED that the above-captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and it further

ORDERED that the dismissal of the above-captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless a party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated.

IT IS SO ORDERED

Date: August 12, 2009

  
Norman A. Mordue  
Chief United States District Court Judge